EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3

DOCKET NO.: 2007-1402-PWS-E **TCEQ ID:** RN101383982 **CASE NO.:** 34524

RESPONDENT NAME: City of Hale Center

ORDER TYPE:							
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
AMENDED ORDER	EMERGENCY ORDER						
CASE TYPE:		•					
AIR	_INDUSTRIAL AND HAZARDOUS WASTE						
X PUBLIC WATER SUPPLY	C WATER SUPPLYPETROLEUM STORAGE TANKS						
WATER QUALITY	TER QUALITYSEWAGE SLUDGE						
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
SITE WHERE VIOLATION(S) OCCURRED: City of Hale Center, 702 Main Street, Hale Center, Hale County TYPE OF OPERATION: Public water supply SMALL BUSINESS: YesX_ No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on March 10, 2008. No comments were received. CONTACTS AND MAILING LIST:							
TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Sheryl Lynn Canales, Mayor, City of Hale Center, P.O. Box 532, Hale Center, Texas 79041 Respondent's Attorney: Mr. Micah Malouf, Owen, Voss, Owen, and Melton, P.O. Box 328, Plainview, Texas 79072							

RESPONDENT NAME: City of Hale Center DOCKET NO.: 2007-1402-PWS-E

VIOLATION SUMMARY CHART:

CORRECTIVE ACTIONS VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED **Corrective Actions Taken:** Type of Investigation: Total Assessed: \$2,599 Complaint The Executive Director recognizes that the X Routine Total Deferred: \$519 Enforcement Follow-up Respondent has implemented the X Expedited Settlement Records Review following corrective measures as of September 25, 2007: Financial Inability to Pay Date(s) of Complaints Relating to this SEP Conditional Offset: \$2,080 a. Provided 16-mesh or finer corrosion Case: None resistant screens for well casing vents on Well Nos. 5 and 7; and Date of Investigation Relating to this Total Paid (Due) to General Revenue: \$0 Case: June 21, 2007 b. Provided locks for the roof hatches on Site Compliance History Classification Date of NOV/NOE Relating to this Case: the two ground storage tanks located at High __ Average Poor August 3, 2007 (NOE) 14th Street and Avenue K. Person Compliance History Classification Background Facts: This was a routine __ High __X_ Average ___ Poor **Ordering Provisions:** investigation. Major Source: ___ Yes _X No 1) The Order will require the Respondent WATER to implement and complete a Applicable Penalty Policy: September 2002 Supplemental Environmental project 1) Failed to provide well casing vents on (SEP). (See SEP Attachment A) Well Nos. 5 and 7 with openings that are covered with a 16-mesh or finer corrosion 2) The Order will also require the resistant screen, facing downward, Respondent to: elevated, and are located as to minimize the drawing of contaminants into the wells a. Immediately upon the effective date of [30 Tex. Admin. Code § 290.41(c)(3)(K)]. this Agreed Order: 2) Failed to house gas chlorination i. Begin maintaining water system records, equipment and cylinders in a separate including, but not limited to customer building or room with impervious walls or service inspections, DLQORs, backflow partitions separating all mechanical and prevention device testing, and daily electrical equipment from the chlorine disinfectant residual monitoring records, facilities [30 Tex. ADMIN. CODE § and make these records available to 290.42(e)(4)(B)]. Commission personnel at the time of investigations; and 3) Failed to keep all storage tank roof hatches locked except during inspection ii. Begin monitoring and recording the and maintenance activities. Specifically, at disinfectant residual at representative the time of the investigation, it was locations in the distribution system on a documented that the locks on the ground daily basis. storage tank roof hatches had been cut during tank inspections, and had not been b. Within 30 days after the effective date replaced [30 Tex. ADMIN. CODE § of this Agreed Order: 290.43(c)(2)]. 4) Failed to provide a liquid level indicator i. Submit written certification and include on the elevated storage tank [30 TEX. detailed supporting documentation ADMIN. CODE § 290.43(c)(4)]. including photographs, receipts, and/or other records to demonstrate compliance 5) Failed to provide water system records with Ordering Provision No. 2.a.; to Commission personnel at the time of the investigation, including customer service ii. Provide a liquid level indicator on the inspection reports, Disinfectant Level elevated storage tank; and

RESPONDENT NAME: City of Hale Center **DOCKET NO.:** 2007-1402-PWS-E

Quarterly Operating Reports ("DLQORs"),
and the records of backflow prevention
device testing [30 Tex. ADMIN. CODE §
290.46(f)(2)].

- 6) Failed to initiate a maintenance program to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, at the time of the investigation, it was documented that the flapper valve on Well No. 4 was leaking and the ground storage tank located near City Hall was in a deteriorated condition [30 Tex. ADMIN. CODE § 290.46(m)].
- 7) Failed to monitor the disinfectant residual at representative locations in the distribution system once per day. Specifically, during the investigation, the water system's operator stated that the disinfectant residual was being recorded on a weekly basis instead of a daily basis [30 Tex. Admin. Code § 290.110(c)(5)(B)].
- 8) Failed to maintain a complete and up-to-date chemical and microbiological monitoring plan. Specifically, it was noted during the investigation that a partial plan was compiled by the water system; however, it was not complete and up-to-date because necessary additions and modifications had not been made to the sample site plan [30 Tex. ADMIN. CODE § 290.121(a)].

- iii. Develop and maintain an up-to-date chemical and microbiological monitoring plan.
- c. Within 60 days after the effective date of this Agreed Order:
- i. Submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.;
- ii. House the gas chlorination equipment and chlorine cylinders in a separate building or room with impervious walls or partitions separating all electrical and mechanical equipment; and
- iii. Rehabilitate the interior and exterior of the ground storage tank located at City Hall and repair the flapper valve on Well No. 4 so that it does not leak.
- d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.

Additional ID No(s).: PWS ID No. 0950002

Attachment A Docket Number: 2007-1402-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Hale Center

Payable Penalty Amount:

Two Thousand Eighty Dollars (\$2,080)

SEP Amount:

Two Thousand Eighty Dollars (\$2,080)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP:

Hale County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

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City of Hale Center Agreed Order – Attachment A

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

City of Hale Center Agreed Order – Attachment A

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEO. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Policy Revision 2 (September 2002	•	alculation	n Worksheet (P		evision June 26, 2007
CFQ DATES Assigned 6-Aug-2 PCW 23-Aug-		23-Aug-2007	EPA Due		
RESPONDENT/FACILITY INFORM Respondent City of H Reg. Ent. Ref. No. Facility/Site Region 2-Lubboo	ale Center 33982		Major/Minor Source	Minor	
CASE INFORMATION Enf./Case ID No. 34524 Docket No. 2007-144 Media Program(s) Public W Multi-Media Admin. Penalty \$ Limit Min	ater Supply	Maximum			oduru
	Penal	ity Calcula	tion Section		
TOTAL BASE PENALTY (Su	m of violation ba	ase penalties	5)	Subtotal 1	\$2,260
ADJUSTMENTS (+/-) TO SU Subtotals 2-7 are obtained by mult	BTOTAL 1	altv (Subtotal 1) by t	the indicated percentage.		
Compliance History		15%	Enhancement Subto	otals 2, 3, & 7	\$339
Notes Enhanc		e prior Notices o or similar violati	f Violation ("NOVs") for the ons.		
Culpability No.	0	0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent do	es not meet the	culpability criteria.	ν,	
Good Faith Effort to Com Before Extraordinary Ordinary N/A X Notes	NOV NOV to EDPRE	0% P/Settlement Offer pes not meet the	Reduction good faith criteria.	Subtotal 5	\$0
Total EB Approx. Cost of Co		2 x 1 x 1 x 1 x 1 x 1 x 1 x 1 x 1 x 1 x	Enhancement* at the Total EB \$ Amount	Subtotal 6	\$0
SUM OF SUBTOTALS 1-7				Final Subtotal	\$2,599
OTHER FACTORS AS JUST Reduces or enhances the Final Subtotal by	TICE MAY REQU the indicated percentage.	IRE (Enter number only	(; e.g30 for -30%.)	Adjustment	\$0
Notes			Einal Pa	enalty Amount	\$2,599
ODDANA O KARAMINE KARAMINININININININININININININININININININ					
STATUTORY LIMIT ADJUS	TMENT			essed Penalty	\$2,599
DEFERRAL Reduces the Final Assessed Penalty by the	indicted percentage. (En	nter number only; e.g	20% Reduction	Adjustment	-\$519
Notes	Deferral offe	red for expedite	d settlement.	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
PAYABLE PENALTY					\$2,080

iance Histor	Compliance History Worksheet y Site Enhancement (Subtotal 2)		. d
		Inter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
1000	Other written NOVs	0	0%
Oudana	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0;	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Auditoria	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		se Enter Yes or No	
	Environmental management systems in place for one year or more	Nő	0%
Öther	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
W.	Participation in a voluntary pollution reduction program	No	0%
and the area of the	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment P	ercentage (Sເ	ıbtotal 2)
t Violator (Si	ubtotal 3)		
N/	Adjustment P	ercentage (Sı	ıbtotal 3)
iance Histor	y Person Classification (Subtotal 7)	7 100	
Average F	Performer Adjustment Pe	ercentage (Sı	ıbtotal 7)
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Screening Date	23-Aug-2007	Dock	et No. 2007-1402-PWS-E		PCW
	City of Hale Center			•	(September 2002)
Case ID No.				PCW Rev	sion June 26, 2007
Reg. Ent. Reference No.	Public Water Supply				
	Andrea Linson-Mgbeodur	ru			
Violation Number	1				4440
Rule Cite(s)	3	30 Tex. Admin. Code	§ 290.41(c)(3)(K)		ophoratesia
Violation Description	covered with 16-mesh of	or finer corrosion resis	ell Nos. 5 and 7 with openings the stant screen, facing downward, e wing of contaminants into the we	elevated,	, i
•			Base	e Penalty	\$1,000
>> Environmental, Property a	and Human Health M	atrix			a and a second
	Harm				
OR Release		Minor			adisantes
Potential			Percent 10%		
>>Programmatic Matrix					and a second and a
Falsification	Major Moderate	e Minor	Percent 0%		
Matrix Without Notes significant an	screened well casing vent nounts of contaminants th	ts, the customers of t at would not exceed	the water system could be expos levels that are protective of hum	sed to an health.	
The state of the s			Adjustment	\$900	
			, rejuonioni		\$100
Violation Events					
N	islation Events 2	THE TAXABLE PARTY OF TAXABLE PARTY O	63 Number of violation da	ve	
Number of VI	iolation Events 2		Number of violation da	yo	
***************************************	daily				
	monthly quarterly x		Violation Bas	se Penalty	\$200
mark only one with an x	semiannual				
	annual single event	-			
	arigic cvcrie				
Two qu	narterly events are recomn investigation, June 21,	nended, one event pe 2007, to the date of	er well, calculated from the date screening, August 23, 2007.	of the	•
Economic Benefit (EB) for the	his violation		Statutory Limit Te	est	
Estimate	ed EB Amount	\$1	Violation Final Pe	nalty Total	\$230
	1		al Assessed Penalty (adjusted	for limits)	\$230
		illiə violation Filli	ai Assessou i chaity (aujusteu		

Case ID No.	City of Hale Ce 34524	nter		*	Matthews (A)		
Reg. Ent. Reference No.					distribution.	gida kanadaanaan kanadaan	
	Public Water S	upply		*.	1000	Percent Interest	Years of
Violation No.	1						Depreciation
	Item Cost	Date Required	Final Date	Yrs I	nterest Saved	5.0 Onetime Costs	1 EB Amount
Item Description		Date Required	Fillal Date	115 1	merest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$50	21-Jun-2007	25-Sep-2007	0,3	\$0	s 1 l	\$1
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	nla	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		required is the	investigation date	e. The final	date is the date	on Well Nos, 5 and e of compliance. one-time avoided c	
Avoided Costs				0.0	\$0	\$0 I	\$0
Avoided Costs		202200000000000000000000000000000000000				\$0	\$0
Disposal				100	S()		
Disposal Personnel				0.0	\$0 \$0		
Disposal					\$0 \$0 \$0	\$0 \$0	\$0 \$0
Disposal Personnel Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avolded costs [3]				0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
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Screening Date	23-Aug-2007	Docket	No. 2007-1402-PWS-E	PCW
Respondent	City of Hale Center			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				***************************************
	Public Water Supply	turu		***************************************
Violation Number	Andrea Linson-Mgbeod	iuru		
Rule Cite(s)		20 Tay Admin Codo S 2	00.42(a)(4)(B)	
		30 Tex. Admin. Code § 29	90.42(6)(4)(6)	
Violation Description	with impervious walls	or partitions separating all cilities. Specifically, on the d	ylinders in a separate building mechanical and electrical equal late of the investigation, the c eing housed in the same room boxes.	uipment hlorine
•			Base	e Penalty \$1,000
>> Environmental, Property a	ind Human Health	Matrix		
- Livingiani	Harn	า		
Release		ate Minor		
OR Actual Potential			Percent 25%	
,	<u> </u>			
>>Programmatic Matrix				
Falsification	Major Modera	ate Minor	Percent 0%	
			reiceilt 070	
If the chlor	ination equipment is no	t properly protected from el	ectrical equipment, employee	s of the
Matrix water system	m could be exposed to	a significant amounts of cor	ntaminants which would excee	ed levels
Notes	tha	at are protective of human h	ealth.	
-			Adiustroont	\$750
			Adjustment	<u> </u>
				\$250
				EAM 404
Violation Events				
Number of Vi	olation Events 3	63	Number of violation da	ys
	<u> </u>			
	daily			
	monthly <u>x</u>		Violation Bas	se Penalty \$750
mark only one with an x	semiannual			
***************************************	annual			
	single event			
REPORT OF THE PROPERTY OF THE				
Three month	nly events are recomme	ended, calculated from the o	date of the investigation, June	21, 2007,
	to th	ne screening date, August 2	3, 2007.	
Economic Benefit (EB) for the	nis violation	acadara se fo	Statutory Limit Te	est
Ectimate	ed EB Amount	\$90	Violation Final Per	nalty Total \$860
Latillate				
		This violation Final	Assessed Penalty (adjusted	for limits) \$860

	E	conomic E	3enefit W	orks	heet		
Responden	t City of Hale Ce	nter			in the second	. No. Arabayan n	je d
Case ID No	34524					Pinacha Santili	des fo
Reg. Ent. Reference No	RN101383982						
7.5	a Public Water S	vlaau					Years of
Violation No						Percent Interest	Depreciation
	-					5.0	
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. 20000		Date Required	Final Date	TIS	mieresi Saved	Oneume Costs	EB Amount
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Delayed Costs	S	· · · · · · · · · · · · · · · · · · ·		·			
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Buildings Other (as needed)				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/construction	\$1,500	21-Jun-2007	30-Apr-2008	0.0	\$0 \$4	\$6 \$86	\$90
Land	Ψ1,000	21-3011-2007		0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp	the investigation of liance.	gas chlorination equidate i	s the estimated
Avoided Costs	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp ntering	the investigation of liance. Item (except for	date. The final date i one-time avoided c	s the estimated osts)
Avoided Costs	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp ntering 0.0	the investigation of liance. Item (except for a \$0	date. The final date i one-time avoided c	s the estimated osts) \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	cylinders at the	e City Hall pump sta	ation. The date rec date	ntering 0.0 0.0 0.0 0.0	the investigation of liance. Item (except for a \$0 \$0 \$0	late. The final date in the cone-time avoided co	s the estimated osts) \$0 \$0 \$0 \$0 \$0
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Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the investigation of liance; Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	ate. The final date in the fin	s the estimated osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the investigation of liance; Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	ate. The final date in the fin	s the estimated osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the investigation of liance; Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	ate. The final date in the fin	s the estimated osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	cylinders at the	e City Hall pump sta	ation. The date rec date	uired in of comp ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	the investigation of liance; Item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	ate. The final date in the fin	s the estimated osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Respondent City of Hale Center Case ID No. 34524 Reg. Ent. Reference No. RN101383982 Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2) Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches had been cut during tank inspections, and had not been replaced.	
Reg. Ent. Reference No. RN101383982 Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2) Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches	2007
Media [Statute] Public Water Supply Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2) Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches	
Enf. Coordinator Andrea Linson-Mgbeoduru Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2) Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches	
Violation Number 3 Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2) Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches	
Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities. Specifically, the locks on the ground storage tank roof hatches	
Violation Description maintenance activities. Specifically, the locks on the ground storage tank roof hatches	
Little Court of the Court of th	***************************************
Base Penalty \$1	,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	
OR Actual Potential X Percent 10%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 0%	***************************************
Matrix Notes Failure to properly lock the roof hatches could allow unauthorized access to the ground storage tanks contents and could result in customers of the water system being exposed to significant amounts of contaminants which would not exceed levels that are protective of human health.	·
Adjustment \$900	
	\$100
Violation Events	
Number of Violation Events 2 Number of violation days	
daily monthly quarterly x Violation Base Penalty semiannual annual single event	\$200
Two quarterly events are recommended, one event per tank, calculated from the date of the investigation, June 21, 2007, to the screening date, August 23, 2007.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$0 Violation Final Penalty Total	\$230
This violation Final Assessed Penalty (adjusted for limits)	\$230

	E	conomic	Benefit W	orks	heet		
Respondent	City of Hale Ce	*************************					
Case ID No.	3						
Reg. Ent. Reference No.	RN101383982						
Media	Public Water S	upply				Percent Interest	Years of
Violation No.						reitein interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Dute Required	i mai bate	113	interest ouved	Officialle Odata	LD Amount
item Description	No commas or \$						
D-11 6							
Delayed Costs	II	ıl ı	Г	0.0	\$0	I 60 I	# 0
Equipment Buildings	*			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)	\$25	21-Jun-2007	25-Sep-2007	0.3	\$0 \$0	\$0	\$0
Engineering/construction	ΨΣΟ	21-0011-2007	20-0Cp-2001	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0,0	\$0	n/a	\$0
Remediation/Disposal	2.8		1	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	ŀ	C. The date required	d is the investigation	on date.	The final date is th	age tanks located at ne date of complianc	i 14th & Avenue e,
Avoided Costs	ŀ	C. The date required	d is the investigation	on date.	The final date is th	ne date of compliand	t 14th & Avenue e. osts)
Avoided Gosts	ŀ	C. The date required	d is the investigation	ntering	The final date is the litem (except for a \$0	pe date of compliand one-time avoided c	i 14th & Avenue ie. osts) \$0
Avoided Gosts Disposal Personnel	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0	The final date is the final date is the first term (except for a \$0 \$0	one-time avoided of \$0	14th & Avenue e. osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0	The final date is the final da	one-time avoided of \$0 \$0 \$0 \$0	14th & Avenue le, osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first section of the first section	ne date of compilance one-time avoided of \$0 \$0 \$0 \$0 \$0	14th & Avenue le. osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0	The final date is the final da	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0	114th & Avenue ie. osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first section of the first section	ne date of compilance one-time avoided of \$0 \$0 \$0 \$0 \$0	114th & Avenue le. osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first force of the first force	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	144th & Avenue ie. osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first force of the first force	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	14th & Avenue ie. osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first force of the first force	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	114th & Avenue le. osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first force of the first force	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	114th & Avenue le. osts) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first force of the first force	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	14th & Avenue ve. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ŀ	C. The date required	d is the investigation	ntering 0.0 0.0 0.0 0.0 0.0 0.0	The final date is the final date is the final date is the first force of the first force	e date of compliance cone-time avoided compliance \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	14th & Avenue ve. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date 23-Aug-2007 Docket No. 2007-1402-PWS-E	PCW
respondent only of their content	evision 2 (September 2002)
Gage ID Ref. 01021	CW Revision June 26, 2007
Reg. Ent. Reference No. RN101383982 Media [Statute] Public Water Supply	***************************************
Enf. Coordinator Andrea Linson-Mgbeoduru	***************************************
Violation Number 4	
Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)	
Violation Description Failed to provide a liquid level indicator on the water system's one elevated storage tank.	
Base Penalty	\$1,000
>> Environmental, Property and Human Health Matrix	
Harm Release Major Moderate Minor	
OR Actual Woodrate Willion	***************************************
Potential x Percent 10%	
And the Making	***************************************
>>Programmatic Matrix Falsification Major Moderate Minor	777777
Percent 0%	***************************************
	1
Matrix Notes Failure to equip the elevated storage tank with a liquid level indicator can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.	
Adjustment \$900	- · · · · · · · · · · · · · · · · · · ·
	\$100
Violation Events	
Number of Violation Events 1 63 Number of violation days	
daily	0400
mark only one with an x quarterly semiannual annual single event	\$100
One quarterly event is recommended, calculated from the investigation date, June 21, 2007, to the screening date, August 23, 2007.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$11 Violation Final Penalty Tota	\$115
This violation Final Assessed Penalty (adjusted for limits	7L 9113

	E	conomic E	Benefit W	orksł	neet		1988
Respondent	City of Hale Cer	nter			**		/196
Case ID No.	34524					Territoria de la compania de la comp	
Reg. Ent. Reference No.	RN101383982						
	Public Water Su	vlaai			10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		Years of
Violation No.					1. April 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.	Percent Interest	Depreciation
	•					5.0	15
200	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
, gai		Date Required	Filial Date	115	interest Saveu	Offetime Costs	ED AMOUNT
Item Description	No commas or \$						
A HOLL MAN O	- 1					****	
Delayed Costs				1			
Equipment	\$200	21-Jun-2007	31-Mar-2008	0,8	\$1	\$10	\$11
Buildings	Alternative states	200	PRO 41800 1.11	0.0	\$0	\$0	\$0
Other (as needed)				0,0	\$0 \$0	\$0·	Ψ
Engineering/construction Land				0.0	\$0 \$0	n/a	\$0 \$0
Record Keeping System				0.0	\$0 \$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0	n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs Avoided Costs	r	equired is the inves	stigation date. The	final date	is the estimated	e elevated storage to date of compliance one-time avoided c	i A
Disposal				0.0	\$0	\$0 I	\$0
Personnel				0.0	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]		X 4 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5		.0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		A 100 A		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$200			TOTAL		\$11

Screening Date	_	Docket I	No. 2007-1402-PWS-E	PCW
	City of Hale Center			evision 2 (September 2002)
Case ID No.			P	CW Revision June 26, 2007
Reg. Ent. Reference No.	Public Water Supply			***
	Andrea Linson-Mgbeod	lum		***
Violation Number		idid		***************************************
Rule Cite(s)		OO Tour Admin Code S.	200 46(5)(2)	
	zaste post of the sale of the sale	30 Tex. Admin. Code § 2	290.40(1)(2)	
Violation Description	investigation, including	customer service inspection	nission personnel at the time of the n reports, Disinfectant Level Quarterly of backflow prevention device testing.	
			Base Penalty	\$1,000
>> Environmental, Property a	and Human Health	Matrix		***************************************
	Harm	1		
Release OR Actual		ate Minor		
Potential			Percent 0%	
and the same	السينين الكاملين المستنبية	النسية		
>>Programmatic Matrix				
Falsification	Major Modera		Barrant 40/	
		X	Percent 1%	
				1
			ecords were requested. Three records	
Notes	out of 21 v	were not provided during the	inspection.	17
<u> </u>				1
ASSESSMENT OF THE PROPERTY OF			Adjustment \$990	
and the second				\$10
				righer.
Violation Events				
Ni mbor of Vi	eletion Events 1	63	Number of violation days	***************************************
Number of Vi	olation Events 1		Number of violation days	***************************************
annonements	daily			
**************************************	monthly			
mark only one	quarterly		Violation Base Penalty	\$10
with an x	semiannual			
**************************************	single event x			
***************************************	- S			
	O)	ne single event is recommer	ided.	
Economic Benefit (EB) for th			Statutory Limit Test	
Estimate	ed EB Amount	\$4	Violation Final Penalty Tota	\$12
		This violation Final A	ssessed Penalty (adjusted for limits) \$12

Case ID No. Reg. Ent. Reference No.		illei			, 181		
	Public Water S	upply			Alberta Salat Salat	Percent Interest	Years of Depreciation
						5.0	1:
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
	1 4 1/2 114 11	es			:		
Delayed Costs							
Equipment		to a		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction Land				0.0	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System	\$100	21-Jun-2007	31-Mar-2008	0.8	\$0 \$4	n/a	- \$0 \$4
Training/Sampling	<u>Ψ100</u>	21-3011-2007	31-Wat-2000	0.0	\$0	n/a	\$0
Remediation/Disposal	30,000,000			0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0,0	\$0	n/a	\$0
	The delaye	ed costs include the	amount to organi	ze and b	egin maintaining	a record keeping sys	item for the
Notes for DELAYED costs	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	and the b al date is	packflow prevention the estimated da	on device testing. The te of compliance.	e date required
Avoided Costs	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	and the bal date is	eackflow prevention the estimated da item (except for	on device testing. The te of compliance. one-time avoided c	e date required osts)
Avoided Costs	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	and the bal date is ntering	the estimated da item (except for \$0	on device testing: The te of compliance, one-time avoided c	e date required osts) \$0
Avoided Costs Disposal Personnel	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	and the bal date is ntering 0.0 0.0	the estimated da item (except for \$0 \$0	on device testing. The of compliance, one-time avoided c \$0 \$0	e date required osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	nd the bal date is ntering 0.0 0.0 0.0	cackflow prevention the estimated date item (except for \$0 \$0 \$0	on device testing. The te of compliance. one-time avoided c \$0 \$0 \$0	e date required osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	ntering 0.0 0.0 0.0 0.0	packflow prevently the estimated da item (except for \$0 \$0 \$0	on device testing. The te of compliance. one-time avoided c \$0 \$0 \$0 \$0	e date required osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	nd the bal date is ntering 0.0 0.0 0.0	packflow prevention the estimated date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0	on device testing. The te of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	e date required osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	nd the bal date is ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0	packflow prevently the estimated da item (except for \$0 \$0 \$0	on device testing. The te of compliance. one-time avoided c \$0 \$0 \$0 \$0	e date required osts) \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	ntering 0.0 0	packflow prevention the estimated date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	on device testing. The of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	e date required osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Gosts Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	ntering 0.0 0	packflow prevention the estimated date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	on device testing. The of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	e date required osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	customer serv	ice inspection repo is the investiga	rts, the DLQORs at tion date. The fina	ntering 0.0 0	packflow prevention the estimated date item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	on device testing. The of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	e date required osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Screening Date	23-Aug-2007	Docket No. 20	07-1402-PWS-E	PCW
	City of Hale Center		Policy	Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
The state of the s	Public Water Supply Andrea Linson-Mgbeoduru	1		***************************************
Violation Number				_
Rule Cite(s)		30 Tex. Admin. Code § 290,46	i(m)	
Violation Description	general appearance of t	ntenance program to ensure the the system's facilities and equipr leaking and the ground storage t in a deteriorated condition.	nent. Specifically, the flapper	S
			Base Pena	ty \$1,000
>> Environmental, Property a	and Human Health Ma	atrix 100 militari		***************************************
	Harm	Minor		***************************************
Release OR Actual		MINO		***************************************
Potential		Po	ercent 10%	***************************************
>>Programmatic Matrix Falsification	Major Moderate	Minor		
T dismoution	I I		ercent 0%	
Matrix Notes If the syste	em's facilities are not maint t amounts of contaminants	tained, customers of the water s which would not exceed levels health.	ystem could be exposed to a that are protective of human	
		Δdi	iustment \$9	00
			,	
				\$100
Violation Events				
Number of Vi	iolation Events 2	63 N	lumber of violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event		Violation Base Pena	sity \$200
Two qua	rterly events are recomme investigation, June 21,	nded, one event per location, ca 2007, to the date of screening, A	alculated from the date of the August 23, 2007.	
Economic Benefit (EB) for the	his violation		Statutory Limit Test	
	ed EB Amount	\$60	Violation Final Penalty To	otal \$230
		This violation Final Assess	ed Penalty (adjusted for lim	its) \$230
			· ' '	

	E	conomic E	Benefit W	orks	heet		
Respondent	City of Hale Ce	nter		*****		e a Day	******
Case ID No.						na ku ku siji su 🖟	
Reg. Ent. Reference No.						and the state of t	
	Public Water S	unnly					Years of
Violation No.		арріј				Percent Interest	Depreciation
violation No.	O						
		515				5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
			1600			7	
Delayed Costs				-			
Equipment	\$1,000	21-Jun-2007	30-Apr-2008	0,9	\$3	\$57	\$60
Buildings	30 100			0.0	\$0	\$0.	, \$0 , ,
Other (as needed)	1 1		1000	0,0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	i \$ 0	\$0
Land			er version de la compartica	0,0	\$0	n/a	\$0
Record Keeping System			<u> </u>	0.0	\$0	n/a	\$0
Training/Sampling				0,0	\$0 \$0	n/a	\$0
Remediation/Disposal Permit Costs				0.0	\$0 \$0	n/a n/a	\$0 \$0
Other (as needed)				0.0	\$0 \$0	n/a	\$0 \$0
Notes for DELAYED costs	valve on \	Well No. 4. The dat	e required is the i	nvestigat	tion date. The fin	City Hall and the leal	con the happer
	and the second second second		C	ompliand		Herein	ed date of
Avoided Costs	ANN	UALIZE [1] avoide	To your control of	ompliand	oe.	He is the	
Avoided Costs Disposal	ANN	UALIZE [1] avoide	To your control of	ompliand	oe.	one-time avoided c	
	ANN	UALIZE [1] avoide	To your control of	ompliand	tem (except for	one-time avoided c	osts)
Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoide	To your control of	ntering i	tem (except for a \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	s0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoide	To your control of	ntering i	tem (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	s0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	IUALIZE [1] avoide	To your control of	ntering I 0.0 0.0 0.0 0.0 0.0	se. tem (except for except for	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	IUALIZE [1] avoide	To your control of	ntering I	se, so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	IUALIZE [1] avoide	To your control of	ntering I 0.0 0.0 0.0 0.0 0.0	se. tem (except for except for	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN		To your control of	ntering I	se, so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			To your control of	ntering I	se, so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	09ts)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			To your control of	ntering I	se, so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	09ts)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			To your control of	ntering I	se, so	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	09ts)

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Screening Date		Docket N	lo. 2007-1402-PWS-E	PCW
	City of Hale Center			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
7/	Public Water Supply Andrea Linson-Mgbeodu	rii		
Violation Number	Andrea Linson-Mgbeodul	ıu		
Rule Cite(s)			440(3(5)(5)	
		30 Tex. Admin. Code § 290	,110(c)(5)(B)	<u> </u>
Violation Description	system once per da	ay. Specifically, the water s	sentative locations in the distrystem's operator stated that lekly basis instead of a daily l	the
			Base	Penalty \$1,000
>> Environmental, Property a		latrix		
Release	Harm Major Moderate	e Minor		
OR Actual				
Potential	X		Percent 25%	
>>Programmatic Matrix	Major Madarat	Minor		
Falsification	Major Moderate	e Minor	Percent 0%	
			refeelt 070	
Eailure to mo	nitor the disinfectant resig	dual could result in custome	ers of the water supply being	exposed
Matrix to significan			d exceed levels protective of	
Notes		health.		
				8
			Adjustment	\$750
				\$250
				391 M; ;
Violation Events				
occurrence of the second of th	Г		Number of violation days	
versesories	3	63	inumber of violation days	•
renovement of the second of th	daily			***************************************
TO THE PARTY OF TH	monthly x	70 (F)		
mark only one	quarterly		Violation Base	Penalty \$750
with an x	semiannual			
-	annual			
	single event			***************************************
Three month		ded, calculated from the da screening date. August 23,	te of the investigation, June 2	21, 2007,
St. 1 (1907) (1907) Land 1 (1907) (1907)	to the	Sorcering date, August 20,		w. 2011
Economic Benefit (EB) for th	nis violation		Statutory Limit Tes	t

Estimate	d EB Amount	\$19	Violation Final Pena	ilty Total \$863
		This violation Final As	sessed Penalty (adjusted fo	or limits) \$863
			The state of the s	, , , , , , , , , , , , , , , , , , , ,

	Ε	conomic	Benefit W	orks	heet			
Respondent	City of Hale Ce	nter		****	NAME OF THE	a alektrik i e		00000
Case ID No.						A But Fred Comment		
Rea. Ent. Reference No.	RN101383982						ata e a company	
	Public Water S	vlaai					Years of	2-15
Violation No.						Percent Interest	Depreciation	
						5.0	15	
100	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
		Date Required	Filial Date	115	miterest Saveu	Offetime Costs	EB Amount	
Item Description	No commas or \$							
		all table						
Delayed Costs		Г 1		1	- 00	**	***	
Equipment Buildings		property of the property of the	3300 COOK 2000 COOK	0.0	\$0 \$0	\$0 \$0	\$0 \$0	
Other (as needed)				0.0	\$0	\$0 \$0	\$0 \$0	
Engineering/construction				0.0	\$0	\$0 \$0	\$0 \$0	
Land				0.0	\$0	n/a	\$0	
Record Keeping System	\$500	21-Jun-2007	31-Mar-2008	0.8	\$19	n/a	\$19	
Training/Sampling				0,0	\$0	n/a	\$0	
Remediation/Disposal				0.0	\$0	n/a	\$0	
Permit Costs				0.0	\$0	n/a	\$0	
Other (as needed)		16486 DEWARD		0.0	\$0	n/a	\$0	34,5
	The delected of	aari laabaa na a				***		
Notes for DELAYED costs						g of the system's da the estimated date		
	residual readi	ng. The date requir	ed is the investiga	ilion date	i. The ilital date is	ine esimaleu dale	or compliance,	111
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	nterina	item (except for a	one-time avoided c	osts)	
Disposal				0.0	\$0	\$0	\$0	1.1
Personnel				0.0	\$0	\$0	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	127
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0	
Supplies/equipment				0.0	\$0	\$0	\$0	
Financial Assurance [2]	200	lof control		0.0	\$0	\$0	\$0	
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0	
Other (as needed)	5502 Sur 48 4553 Su	arte de la companya		0.0	\$0	\$0	\$0	
g it facilities								
Notes for AVOIDED costs			•					
·						Maria de Partir		
eg er e	Contract to the second			<u> </u>		under state of the		
Anney Cost of Comultance		\$EQ.			TOTAL			
Approx. Cost of Compliance	·	\$500		ĺ	TOTAL		\$19	
				***************************************	***************************************	***************************************		

All and the second of the control of the control of the second of the se

Screening Date	23-Aug-2007	Docket No	. 2007-1402-PWS-E	PCW
	City of Hale Center			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision June 26, 2007
Reg. Ent. Reference No.				
Media [Statute]				
2000 C.	Andrea Linson-Mgbeod	uru		
Violation Number	8			
Rule Cite(s)		30 Tex. Admin. Code § 29	0.121(a)	
Violation Description	plan Specifically althou	omplete and up-to-date chemi ough a partial plan was compi ite because necessary additio made to the sample site	led by the water system, it was and modifications had n	was not
			Base	Penalty \$1,000
>> Environmental, Property a	ind Human Health I	Matrix		
	Harm			
Release OR Actual	Major Modera	te Minor		
Potential			Percent 0%	
>>Programmatic Matrix				
Falsification	Major Modera	ate Minor		
	X		Percent 5%	
Matrix Notes	50% o	of the rule requirement was no	i met.	
			Adjustment	\$950
				\$50
Violation Events				
	1	64	Number of violation day	'S
mark only one	daily monthly quarterly		 Violation Bas	e Penalty \$50
with an x	semiannual annual single event x			
	Ōı	ne single event is recommend	ed.	
Economic Benefit (EB) for t	his violation		Statutory Limit Te	st
Eg4:	ed EB Amount	\$4	Violation Final Pen	alty Total \$58
Estimate	eu EB Alliount			
		This violation Final Ass	sessed Penalty (adjusted	for limits) \$58

	E	conomic	Benefit W	orks	sheet		
	City of Hale Ce	nter			7t 4 3.55	an Verbain, etc. pro-	**************************************
Case ID No.	8					eta v . Wiek	
Reg. Ent. Reference No. Media Violation No.	Public Water S				100 319 0 100340	Percent Interest	Years of Depreciation
	TEST SANCE					5,0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
\$ 100		- 19625-				Market and the food of the second was about the second	*************
Delayed Costs	j.						
Equipment				0.0	\$0	\$0	\$0
Buildings	\$85 kg kg 1884 200			0,0	\$0	\$0	\$0
Other (as needed)	200000000000000000000000000000000000000			0.0	\$0	\$0	\$0
Engineering/construction		100000000000000000000000000000000000000	200 000 000 000 000 000 000 000 000 000	0.0	\$0	\$0	\$0
Land	6400	04 105 0007	04 M-+ 0000	0,0	\$0	n/a	\$0
Record Keeping System Training/Sampling	\$100	21-Jun-2007	31-Mar-2008	0.8	\$4 \$0	n/a n/a	\$4
Remediation/Disposal	-			0.0	\$0 \$0	17a 17a	\$0 \$0
Permit Costs				0.0	\$0	n/a	- φυ \$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs		I monitoring plan. T	he date required is	s the inv	estigation date. Ti	nple siting plan in the	
			·	omplian	ice.		stimated date
Avoided Costs	ANN	IUALIZE [1] avoid					
Avoided Costs	ANN	IUALIZE [1] avoid				one-time avoided c	
Disposal Personnel	INA	IUALIZE [1] avoid		0.0 0.0	Item (except for	one-time avoided c	osts) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	IUALIZE [1] avoid		0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	IUALIZE [1] avoid		0.0 0.0 0.0 0.0 0.0		one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	IUALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	IUALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	sosts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	IUALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0	0sts)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	IUALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	0\$t\$) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN The state of	IUALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	0sts)
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN The state of	IUALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	05t5) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoid		0,0 0,0 0,0 0,0 0,0 0,0 0,0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	one-time avoided c	05t5) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Compliance History

Custome	er/Respondent/Owner-Op	perator:	CN600636609	City of Hale Center		Classification:	AVERAGE	Rati	ng: 7.73
Regulate	ed Entity:		RN101383982	CITY OF HALE CEN	ITER	Classification:		Site	Rating:
D Numl	per(s):		PUBLIC WATER	SYSTEM/SUPPLY	REGIS LICEN	TRATION		09500 09500	
ocation	:			ET, HALE COUNTY, TX		JL		03300	02.
TCEQ F	Region:		REGION 02 - LU	ввоск		•			
Date Co	empliance History Prepare	ed:	August 09, 2007						
Agency	Decision Requiring Com	pliance History:	Enforcement						
Complia	nce Period:		August 06, 2002	to August 06, 2007					
	Staff Member to Contact f			•					
Name:	Andrea Linson	-Mgbeoduru		one: 512-239-14	482				
				compliance History	Components				
	he site been in existence	•	•		Yes				
	here been a (known) cha s, who is the current own	-	of the site during tr	ne compliance period?	No				
	s, who was/were the prio				N/A			-	
	•				N/A	 		-	
	n did the change(s) in ow	•			N/A	-			
-	onents (Multimedia) f		ments and concept	decrees of the state of	Toyon and the fo	doral government			
Α.	N/A	ders, court juager	nents, and consent	decrees of the state of	rexas and the le	uerai governinerit.			
B.	Any criminal convictio	ns of the state of	Texas and the fede	eral government.					
0	N/A							to a	100
C.	Chronic excessive em	iissions events.						- Sustain s	
Б	N/A	finyaatiaatiana (CCEDS Inv. Trook	No.)					
D.	The approval dates of 1 02/07/2003	(23570)	CEDS IIIV. Hack.	NO.)					
	2 03/20/2003 3 11/23/2005 4 03/13/2006 5 07/31/2006 6 07/31/2007	(28359) (435729) (458992) (489492) (568356)							
E.	Written notices of viol	, ,	CEDS Inv. Track. N	o.)					
	Date: 02/07/2	, , ,		,	•				
	Self Report?	NO			Classification:	Minor			
	Citation: Description:	30 TAC Cha 30 TAC Cha 30 TAC Cha	apter 290, SubChap apter 290, SubChap apter 290, SubChap	ter D 290.44(h)(1)(B)(ii) ter D 290.44(h)(1)(B)(iii ter D 290.44(h)(4)(C) ter D 290.44(h)[G] res have been taken in t)				
	Self Report?	NO	F • • • • • • • • • • • • • • • • • • •		Classification:	Minor			
	Citation: Description: Self Report?		apter 290, SubChap ost an ownership si	oter D 290.46(t) gn on the new well #11.	Classification:	Minor			
	Citation: Description: Date: 03/20/:	30 TAC Cha 30 TAC Cha The City Ha	I GST is leaking.	oter D 290.43(c)(6) oter D 290.46(m)(4)					
	Self Report?	NO (2000)	,		Classification:	Minor			
	Citation:	30 TAC Cha 30 TAC Cha	apter 290, SubChar	oter D 290.44(h)(1)(B)(ii) oter D 290.44(h)(1)(B)(iii oter D 290.44(h)(4)(C)					

30 TAC Chapter 290, SubChapter D 290,44(h)[G] Description: No backflow prevention measures have been taken in this system. Classification: Self Report? NO Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(6) Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4) Description: The City Hall GST is leaking. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.46(t) Citation: Description: No ownership sign on well #11. Date: 11/28/2005 (435729) Self Report? Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii) 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(iii) 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(C) 30 TAC Chapter 290, SubChapter D 290.44(h)[G] Description: Failure to install and maintain proper backflow assemblies, Self Report? NO Classification: Minor Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F) Description: Failure to record sanitary control easements around all wells. Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 288, SubChapter B 288.20[G] Description: Failure to prepare a Drought Contingency Plan. Self Report? NO Classification: Citation: 30 TAC Chapter 290, SubChapter F 290.121[G] Description: Failure to prepare a Monitoring Plan. Self Report? NO Classification: Minor 30 TAC Chapter 290, SubChapter D 290.43(c)(1) Citation: Description: Failure to properly vent the ground storage (GS) tank near City Hall.

30 TAC Chapter 290, SubChapter D 290.44(h)(3)

overhead bulk water dispensing station near City Hall.

Failure to provide an air gap between the filling outlet hose and the receiving tank at the

Classification:

Moderate

Environmental audits.

Citation:

Self Report?

Description:

N/A

G. Type of environmental management systems (EMSs).

NO

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

K. Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
CITY OF HALE CENTER	§	
RN101383982	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1402-PWS-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Hale Center ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City, represented by Micah Malouf, of the law firm of Owen, Voss, Owen, and Melton, appear before the Commission and together stipulate that:

- 1. The City owns and operates a public water supply at 702 Main Street in Hale Center, Hale County, Texas (the "Facility") that has approximately 814 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 3. The City received notice of the violations alleged in Section II ("Allegations") on or about August 8, 2007.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Two Thousand Five Hundred Ninety-Nine Dollars (\$2,599) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Eighty Dollars (\$2,080) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") as set forth in Attachment A, and Five Hundred Nineteen Dollars (\$519) is deferred contingent upon the City's timely and

.

satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

- 6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 7. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 8. The Executive Director recognizes that the City has implemented the following corrective measures as of September 25, 2007:
 - a. Provided 16-mesh or finer corrosion resistant screens for well casing vents on Well Nos. 5 and 7.
 - b. Provided locks for the roof hatches on the two ground storage tanks located at 14th Street and Avenue K.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to provide well casing vents on Well Nos. 5 and 7 with openings that are covered with a 16-mesh or finer corrosion resistant screen, facing downward, elevated, and are located as to minimize the drawing of contaminants into the wells, in violation of 30 Tex. ADMIN. CODE § 290.41(c)(3)(K), as documented during an investigation conducted on June 21, 2007.
- 2. Failed to house gas chlorination equipment and cylinders in a separate building or room with impervious walls or partitions separating all mechanical and electrical equipment from the chlorine facilities, in violation of 30 Tex. Admin. Code § 290.42(e)(4)(B), as documented during an investigation conducted on June 21, 2007.
- 3. Failed to keep all storage tank roof hatches locked except during inspection and maintenance activities, in violation of 30 Tex. ADMIN. CODE § 290.43(c)(2), as documented during an

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Section 1. The section of the section

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er en en en tradition de la company de l La company de la company d investigation conducted on June 21, 2007. Specifically, at the time of the investigation, it was documented that the locks on the ground storage tank roof hatches had been cut during tank inspections, and had not been replaced.

- 4. Failed to provide a liquid level indicator on the elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on June 21, 2007.
- 5. Failed to provide water system records to Commission personnel at the time of the investigation, including customer service inspection reports, Disinfectant Level Quarterly Operating Reports ("DLQORs"), and the records of backflow prevention device testing, in violation of 30 Tex. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on June 21, 2007.
- 6. Failed to initiate a maintenance program to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 Tex. ADMIN. CODE § 290.46(m), as documented during an investigation conducted on June 21, 2007. Specifically, at the time of the investigation, it was documented that the flapper valve on Well No. 4 was leaking and the ground storage tank located near City Hall was in a deteriorated condition.
- 7. Failed to monitor the disinfectant residual at representative locations in the distribution system once per day, in violation of 30 Tex. ADMIN. CODE § 290.110(c)(5)(B), as documented during an investigation conducted on June 21, 2007. Specifically, during the investigation, the water system's operator stated that the disinfectant residual was being recorded on a weekly basis instead of a daily basis.
- 8. Failed to maintain a complete and up-to-date chemical and microbiological monitoring plan, in violation of 30 Tex. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on June 21, 2007. Specifically, it was noted during the investigation that a partial plan was compiled by the water system; however, it was not complete and up-to-date because necessary additions and modifications had not been made to the sample site plan.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Hale Center, Docket No. 2007-1402-PWS-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088

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Austin, Texas 78711-3088

- 2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Two Thousand Eighty Dollars (\$2,080) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin maintaining water system records, including, but not limited to customer service inspections, DLQORs, backflow prevention device testing, and daily disinfectant residual monitoring records, and make these records available to Commission personnel at the time of investigations, in accordance with 30 Tex. ADMIN. CODE § 290.46; and
 - ii. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system on a daily basis, in accordance with 30 Tex. ADMIN. CODE § 290.110.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision 3.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.;
 - ii. Provide a liquid level indicator on the elevated storage tank, in accordance with 30 Tex. ADMIN. CODE § 290.43; and
 - iii. Develop and maintain an up-to-date chemical and microbiological monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.121.
 - c: Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision 3.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.b.;
 - ii. House the gas chlorination equipment and chlorine cylinders in a separate building or room with impervious walls or partitions separating all electrical and mechanical equipment, in accordance with 30 Tex. ADMIN. CODE § 290.42; and
 - iii. Rehabilitate the interior and exterior of the ground storage tank located at City Hall and repair the flapper valve on Well No. 4 so that it does not leak, in accordance with 30 Tex. ADMIN. CODE §§ 290. 43 and 290.46.

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d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Lubbock Regional Office Texas Commission on Environmental Quality 5012 50th Street, Suite 100 Lubbock, Texas 79414-3421

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by

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City of Hale Center DOCKET NO. 2007-1402-PWS-E Page 6

facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	3/4/2008 Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature Dock

12-12-01/ Date

MAYOR

Name (Printed or typed)

Authorized Representative of

City of Hale Center

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A Docket Number: 2007-1402-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:

City of Hale Center

Payable Penalty Amount:

Two Thousand Eighty Dollars (\$2,080)

SEP Amount:

Two Thousand Eighty Dollars (\$2,080)

Type of SEP:

Pre-approved

Third-Party Recipient:

Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")-Abandoned Tire Clean-Up

Location of SEP:

Hale County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to clean-up sites where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dumpsites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

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City of Hale Center Agreed Order - Attachment A

C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive, Suite 510 Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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City of Hale Center Agreed Order - Attachment A

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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